

**REMARKS**

Claims 33-58 are pending in this application. Applicants gratefully acknowledge the withdrawal of the previous rejection under 35 U.S.C. § 013(a) and under statutory double patenting.

Claims 33-58 are rejected under obviousness double patenting over claims 1-32 of U.S. patent no. 5,929,105 (the '105 patent) in view of Matthews *et al.* (U.S. patent 5,041,078). Claims 33-58 are also rejected under obviousness double patenting over claims 1-24 of U.S. patent no. 6,153,639 (the '639 patent).

The present application is a continuation of U.S. patent 6,756,396, which is a continuation of the '639 patent, which is a continuation of the '105 patent, all of which are commonly owned by QLT Inc. (previously QLT Phototherapeutics Inc. as indicated by the Certificate of Change of Name, attached as Exhibit 1) and the University of British Columbia. To expedite prosecution, Applicants submit a proper terminal disclaimer, thereby overcoming the obviousness double patenting rejections. Applicants therefore respectfully request that this rejection be withdrawn.

**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 273012010303. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 19, 2006

Respectfully submitted,

By   
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NOTIFIED A TRUE COPY THIS 26 DAY  
OF MAY 2000  
Solicitor

NUMBER: 225894

**CERTIFICATE  
OF  
CHANGE OF NAME**  
*COMPANY ACT*

*I Hereby Certify that*

QLT PHOTOTHERAPEUTICS INC.

has this day changed its name to

QLT INC.

*Issued under my hand at Victoria, British Columbia  
on May 05, 2000*

JOHN S. POWELL  
*Registrar of Companies*  
PROVINCE OF BRITISH COLUMBIA  
CANADA

EXHIBIT 1